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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/945,512	08/30/2001	Leonard Forbes	1303.027USI	2652	
75	90 08/21/2002				
Schwegman, Lundberg, Woessner & Kluth, P.A.			EXAMINER		
Attn: Edward J. Brooks, III P.O. Box 2938		BOOTH, RICHARD A			
Minneapolis, MN 55402		ART UNIT	PAPER NUMBER		
			2812		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Art Unit Richard A. Boods PORBES, LEONARD			An Mr	•				
Examiner Richard A. Booth 2812		Application No.	Applicant(s)					
Richard A. Booth 2812		09/945,512	FORBES, LEONARD					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Learness of time may be available useful for provision of 3° CFR 1.78(a), in or event, however, may a reply be timely fired Educations of time may be available useful for provision of 3° CFR 1.78(a), in or event, however, may a reply be timely fired Learness of time may be available useful for provision of 3° CFR 1.78(a). If the period for reply significate useful for provision attachory priod and special very learned parties. See 3° CFR 1.76(a). The period for reply signification is been useful for the provision of the period of reply signification is the mainty of the date of the parties of the scommendation. Family significant is adjustment. See 3° CFR 1.76(b). Status 1) □ Responsive to communication(s) filled on 28 June 2002. 2a) □ This action is FINAL 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 ○ G. 213. Disposition of Claims 4 ○ Claim(s)	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of tensing by a available under the provisions of 3° CFR 1.35(a). In no event, however, may a reply be timely filled. Extensions of tensing by a available under the provisions of 3° CFR 1.35(a). In no event, however, may a reply be timely filled. Extensions of tensing by a available under the provisions of 3° CFR 1.35(a). In no event, however, may a reply be timely filled. Extensions of tension is appointed above, the maximum statutory period will apply and well expens 80x (b) MONTHS from the mailing date of this communication. It is the period for engly is appointed above, the maximum statutory period will apply and well expens 80x (b) MONTHS from the mailing date of this communication, even if limitely filled, may reduce any examely assent term adjustment. See 37 CFR 1.704(b). Status 1) M Responsive to communication(s) filled on 28 June 2002. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are subjected to. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The proposed drawing correction filled on is/are. a) accepted or b) discaption of the Examiner. Application Papers Application are request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filled on is/are. a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The eath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priorit								
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 3 or ER in 15(a). In no event, however, may a reply be timely filed after SX (9) MONTHS from the mailing date of this communication. It NO period for reply is specified used for the communication. It NO period for reply is specified above, the maximum attachory period will pay awal the page 15(b) MONTHS from the mailing date of this communication. Fallure to reply within the set of cetended period for reply will, by abulte, cause the application to become ABANDONED (3s U.S. C. § 133). Any reply received by the Office all that the three homelons after the mailing date of this communication. Fallure to reply within the set of cetended period for reply will, by abulte, cause the application to become ABANDONED (3s U.S. C. § 133). Any reply received by the Office date than the render after the mailing date of this communication. Any reply received by the Office date than the render after the replication in the capture of the communication. Status 1)[2] Responsive to communication(s) filed on 28 June 2002. 2a) This action is FINAL. 2b) This action is rendered any replication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)[2] Claim(s) 1-65 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) Claim(s) 1-65 is/are allowed. 6) Claim(s) 1-65 is/are allowed. 7) Claim(s) 1-65 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 1-15 is/are: a) accepted or b) better the Examiner. Application Papers Application from the first and provided provided in approved by the Examiner. 11 approved, corrected drawings are required in reply to this Office action. 12 The eath or declaration is objected to by the Examiner. 13 Acknowledgm	·	pears on the cover sheet wit	h the correspondence address					
1) Responsive to communication(s) filed on 28 June 2002. 2a	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep. If NO period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statul. - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a re oly within the statutory minimum of thirty I will apply and will expire SIX (6) MONT te, cause the application to become ABA	ply be timely filed (30) days will be considered timely. "HS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).					
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-65 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		June 2002 .						
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Application/Control Number: 09/945,512

Art Unit: 2812

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of group I in Paper No. 3 is acknowledged. In addition, further restriction is also deemed necessary.

This application contains claims directed to the following patentably distinct species of the claimed invention: a first embodiment directed to a low tunnel barrier intergate insulator comprising a metal oxide insulator; a second embodiment directed to a low tunnel barrier intergate insulator comprising a transition metal oxide, and a third embodiment directed to a low tunnel barrier intergate insulator comprising a perovskite oxide tunnel barrier. These embodiments are also defined by implementing the aforementioned tunnel barrier in the embodiment of Figure 2 or the embodiment of Figure 3. Therefore, both the barrier material and device Figure need to be selected and with that the claims that read on both of these features.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.



Application/Control Number: 09/945,512

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard A. Booth whose telephone number is 308-3446. The examiner can normally be reached on Monday-Thursday from 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on 308-3325. The fax phone numbers for the organization where this application or proceeding is assigned are 308-7724 for regular communications and 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1782.

Richard A. Booth Primary Examiner Art Unit 2812